

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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Stephen Westbrook,

Plaintiff,

v.

Capt. Freddie Arwood,
Sheriff Bruce Bryant,
Sgt. R. Catoe, T. Dover, RN
Lt. R. Guirdy, Martin - Jail
Administrator, Officer Price,

Defendants.

C. A. No. 5:11-cv-1103-RMG

2012 AUG 24 P 1:33

ORDER

This action has been filed by the Plaintiff, *pro se*, asserting claims under 42 U.S.C. § 1983. The Court recently learned that the Plaintiff died on May 9, 2012. (Dkt. No. 54-1). The Court is informed that, as of August 22, 2012, no petition for the opening of an estate or an application for the appointment of a personal representative has been filed for the Plaintiff. In light of the unique circumstances of this case, the Clerk of Court is hereby directed to close this case without prejudice. *Cf. McSwain v. Suliene*, Nos. 09-219, 09649, 2010 WL 148185, at *2 (W.D. Wis. Jan. 11, 2010).

Based on the foregoing, it is hereby **ORDERED** that the Clerk of Court close this case *without prejudice*. The Clerk shall note that the Plaintiff's representative or successor is free to file a motion to reopen this case along with a suggestion of death and motion for substitution. The Clerk is instructed to send a copy of this Order to the Plaintiff's last known address.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Sengel', written over a horizontal line.

Richard Mark Sengel
United States District Judge

August 24, 2012
Charleston, South Carolina